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Legal Nature of the Vote of No Confidence in Public Administration of Uzbekistan

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Annotation:

In this article, the responsibility of the government before the parliament in the system of state power and governance, in particular, the institution of the vote of no confidence, is studied based on the experience of foreign countries and national legislation. The experience of foreign countries shows that the vote of no confidence is divided into three types of models, and the order of this process is complicated in order to prevent a government crisis. The author puts forward the approach that it is appropriate to legally regulate the norms related to the exact procedure, terms and grounds of expressing a vote of no confidence in the legislation of Uzbekistan.

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Introduction

In the practice of the countries of the world, one of the most important means of controlling the activity of the head of government and his members of the parliament is the institution of the vote of no confidence. A vote of no confidence makes the government accountable to parliament for its performance. The experience of world practice shows that there are two forms of government accountability measures: personal (individual) and collective (collegial). According to the legislation of the Republic of Uzbekistan, there are two types of measures of responsibility against the government – individual and collective [1, P. 1321]. We can see the personal responsibility of the Prime Minister and members of the government in the following.

Based on the amendments and additions made to the Constitution of the Republic of Uzbekistan in 2011 and 2014, norms regarding the system of mutual restraint and balance of interests between the Oliy Majlis and the Cabinet of Ministers were expressed in the Constitution of the Republic of

Uzbekistan. In particular, provisions on the right of the parliament to express a vote of no confidence in the Prime Minister and the procedure for its implementation were included in the Constitution. In the constitutional law of foreign countries, there is a practice of expressing a vote of confidence or no confidence in the government. The implementation of this institution in Uzbekistan further increased the influence of the parliament on the government and established a legal mechanism for the control of the Cabinet of Ministers.

In the legislation of foreign countries, the procedure for the implementation of the vote of no confidence is complex, and there are different models. In Uzbekistan, the vote of no confidence was not used in practice. However, the increasing role and role of the parliament in the state power is increasing parliamentary control over government activities. This requires improving the institution of the vote of no confidence based on the experience of foreign countries.

Material and methods

As a result of this research, the following main issues were analyzed: firstly, to assess the specific aspects of the government's accountability to the parliament in the state administration of Uzbekistan; secondly, to analyze the models of no-confidence vote in foreign countries; thirdly, to develop proposals for improving the vote of no confidence. In order to find answers to the above-mentioned issues, methods such as historical, systematic-structural, comparative-legal, logical, comprehensive research analysis of scientific sources were used in this research.

The legal mechanism of the vote of no confidence in the constitutional law of Uzbekistan

According to the Constitution of the Republic of Uzbekistan, the Prime Minister organizes and directs the activities of the Cabinet of Ministers, and is personally responsible for its effective operation. The personal responsibility of the Prime Minister before the Parliament is that there is the right to express a vote of no confidence against prime minister by the Legislative Chamber.

Also, the Law "On the Cabinet of Ministers of the Republic of Uzbekistan" stipulates that The chambers of the Oliy Majlis of the Republic of Uzbekistan may hear information from an individual member of the Cabinet of Ministers on the activities of the state administration body headed by him and, if necessary, submit a proposal for his resignation to the President of the Republic of Uzbekistan.

Secondly, the collective responsibility of the government will be manifested in the resignation of the entire Cabinet of Ministers of the Republic of Uzbekistan along with the Prime Minister in case of a vote of no confidence in the Prime Minister.

Expressing a vote of no confidence in the Prime Minister of the Republic of Uzbekistan is the result of an unsatisfactory assessment of the activities of the Cabinet of Ministers by the Parliament. In order to ensure the stability of the government, the procedure for expressing a vote of no confidence is becoming relatively complicated in world practice today.

It should be emphasized that the vote of no confidence brings only political responsibility and does not constitute a basis for the government's responsibility before the court.

In accordance with the Constitution of the Republic of Uzbekistan, the basis for expressing a vote of no confidence:

In case of arising "persistent contradictions between the Prime Minister of the Republic of Uzbekistan and the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan", "upon the proposal officially submitted to the President of the Republic of Uzbekistan by the deputies of the Legislative

Chamber, whose number is not less than one third of their total number” [2].

In this norm, the procedure for considering the issue of expressing a vote of no confidence in the Prime Minister is somewhat unclear, in particular, the exact grounds and terms of expressing a vote of no confidence are not regulated.

The practice of no confidence in foreign countries

The experience of foreign countries, in particular, in European countries, the vote of no confidence by the parliament is announced on the basis of clear grounds established by law. For example, in the Constitutions of countries such as Norway, Iceland, Denmark, Luxembourg, the fact that the state budget has not been adopted by the parliament is one of the grounds for expressing a vote of no confidence. In the legislation of foreign countries, certain deadlines are set for collecting the necessary grounds and discussing it when a vote of no confidence is introduced. For example, in Portugal (Article 194 of the Constitution), this term is considered two days after the introduction of the proposal, and discussions should not exceed three days [3]. In Spain (Article 113 of the Constitution), the proposal is considered five days after its introduction [4].

Also, the legislation of some countries has experience with the implementation of the vote of no confidence. For example, according to the Constitution of Belarus, the issue of the government's responsibility cannot be raised within a year after the approval of the program of activities of the government. [5]. Pursuant to Article 158 of the Polish Constitution, a new no-confidence motion can be submitted three months after the initial motion.

Our legislation does not specify such a deadline for expressing a vote of no confidence in the Prime Minister, that is, a vote of no confidence can be expressed at any time during the Prime Minister's career. In our opinion, it is appropriate to set specific deadlines for expressing a vote of no confidence and proposing a new vote of no confidence in our legislation. This will ensure the government's stability and allow time-consuming programs to be implemented.

In the practice of foreign countries, the following 3 models of no-confidence vote are common: destructive no-confidence vote, constructive no-confidence vote, rejection of confidence. Some scholars include the form of impeachment in this list [6, P. 72]. The table below provides information about this practice in some countries.

Table 1.1. Models of No-Confidence Votes: An Analysis of Foreign Country Legislation

Destructive vote of no confidence	France, Italy, Latvia, Lithuania, Bulgaria, Greece, Netherlands, Belarus, Kazakhstan	Destructive vote of no confidence - a vote of no confidence in the government and its member is carried out by the parliament. The head of state is empowered to make a decision on the motion of no confidence in the government and its resignation by the parliament, or on the dissolution of the parliament at the initiative of the government..
Constructive vote of no confidence	Germany, Poland, Hungary, Bulgaria, Armenia	A constructive vote of no confidence is carried out by identifying and voting for a new head of government in order to prevent a government crisis.
Denial of confidence	Romania, France, Sweden, Russian Federation	Denial of confidence - occurs when the government itself is rejected by the parliament on a motion of confidence.

Improving the legal basis of the parliamentary responsibility of the Prime Minister and members of the government

According to the Constitution of the Republic of Uzbekistan, responsibility arises in case of a vote of no confidence passed by the chambers of the Oliy Majlis of the Republic of Uzbekistan against the Prime Minister. The dismissal of the Prime Minister will simultaneously cause the resignation of the Government of the Republic of Uzbekistan, that is, collective responsibility. In the vote of no confidence, it is not confirmed that the head of state will consider such a proposal of the Legislative Chamber in the discussion of the joint session of the chambers of the Oliy Majlis. Also, in this case, it is not specified that the President of the Republic of Uzbekistan will not accept the decision of the chambers of the Oliy Majlis to dismiss the Prime Minister.

In our opinion, it is necessary to clarify the legal consequences of the participation of the head of state in the process of expressing a vote of no confidence. In countries with a model of a destructive vote of no confidence in foreign experience, the head of state is empowered to make a decision on the resignation of the government or on the initiative of the government to dissolve the parliament when the parliament expresses no confidence in the government. The institution of the vote of no confidence has not been used in the history of the constitutional practice of our country. In case of arising “persistent contradictions between the Prime Minister of the Republic of Uzbekistan and the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan”, “upon the proposal officially submitted to the President of the Republic of Uzbekistan by the deputies of the Legislative Chamber, whose number is not less than one third of their total number”. Taking into account the experience of foreign countries, in order to increase the responsibility of the government, it is appropriate to include the unsatisfactory assessment of the activities of the Cabinet of Ministers by the parliament and the non-acceptance of government reports on the budget by the parliament as a basis for a vote of no confidence. At the same time, among the joint powers of the Legislative Chamber and the Senate of the Oliy Majlis of the Republic of Uzbekistan, there is the power to adopt the State budget of the Republic of Uzbekistan and control its execution, based on the submission of the Cabinet of Ministers of the Republic of Uzbekistan. Adoption of the main financial document of the country is a very important process. For example, due to the firm position of factions and deputies, 23 principle changes and additions were made to the draft law "On the State Budget of the Republic of Uzbekistan for 2021", and the law was supplemented with new articles. Also, as a result of the extensive discussions held in the factions, about 700 billion soums were redistributed in the draft State Budget for 2021 proposed by the Government[7].

It is known that the Chambers of the Oliy Majlis of the Republic of Uzbekistan may hear the information of some member of the Cabinet of Ministers regarding the activities of the state administration body he heads and, if necessary, submit a proposal for consideration by the President of the Republic of Uzbekistan on his resignation. In this case, it is logical that the head of state can reject the suggested proposal based on his constitutional authority. In order to further increase the responsibility of the members of the government before the parliament, it is appropriate to introduce the right to re-introduce a proposal to the President of the Republic of Uzbekistan for the resignation of a member of the government by two-thirds of the members of the parliament chambers after a certain period. In this case, the head of state will have to make a decision on the resignation of a member of the government. Such a practice can be found in the legislation of the CIS countries, in particular, the Republic of Kazakhstan.

Summary

In order to maintain stability in the legislation of foreign countries, the procedure for the implementation of a vote of no confidence in the government by the parliament has complex features, and the initiative requires the support of the majority of the members of the parliament.

The vote of no confidence, as a relatively new institution in the national legislation, has not been used in the history of the constitutional practice of Uzbekistan. However, as a result of ongoing processes of political and legal modernization, trends of parliamentarism, it is natural that various conflicts arise in relations with the government and its activities, draft laws and parliament. Of course, these situations can have a negative impact on the stability of the state and society. Therefore, it is desirable to improve the norms related to the procedure, terms and grounds of the no-confidence vote.

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